



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **March 17, 2016**, at the Fair Political Practices Commission offices, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **March 15, 2016**.

BACKGROUND/OVERVIEW:

Regulation 18239 interprets the definition of “Lobbyist” under the Act. (See Section 82039.) Within this definition are exceptions to the definition of “direct communication” that apply to determine whether a person qualifies as a registered lobbyist. Among these is the “ride along” exception that the Commission approved after the statutory definition of Lobbyist changed in 1996 with the passage of Proposition 208. (See Regulation 18239(d)(3)(B).)

Prior to Proposition 208, rather than looking at the amount of time a person spends on or is paid for lobbying activities to determine if one meets the definition of Lobbyist, the test was how many “contacts” the person had with a qualifying official in a given period of time. If a company hired a lobbyist, for example, the company could send an employee along with the lobbyist to a meeting with a qualifying official. The lobbyist would count the meeting as a “contact” for purposes of the test, but the employee would not. When Proposition 208 eliminated the contacts test, the Commission voted to nevertheless maintain the accompanying rule. The rule would apply in a similar fashion, allowing a company employee to attend the meeting along with the company’s lobbyist so that he or she could provide substantive information that the lobbyist might not have. The employee does not become a lobbyist based on this activity.

REGULATORY ACTION:

Amend 2 Cal. Code Regs. Section 18239:

To clarify that the accompanying rule/ride along exception is limited to employees (including members of a bona fide trade association or membership organization) of the lobbyist

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

employer that hired the lobbyist, staff proposes amendments to Regulation 18239. The regulation also requires that the employee participates in the meeting or communication as a subject matter expert.

SCOPE:

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY: Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE: The purpose of this regulation is to implement, interpret, and make specific Government Code Section 82039.

CONTACT: Please direct your inquiries to Heather M. Rowan, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Access proposed regulatory language at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>